

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

JO ANN HOWARD AND ASSOCIATES,	)	
P.C., SPECIAL DEPUTY RECEIVER OF	)	
LINCOLN MEMORIAL LIFE INSURANCE	)	
COMPANY, MEMORIAL SERVICE LIFE	)	
INSURANCE COMPANY, AND NATIONAL	)	
PREARRANGED SERVICES, INC., ET AL.,	)	
	)	
Plaintiffs,	)	Case No. 09-CV-1252-ERW
	)	
vs.	)	
	)	
J. DOUGLAS CASSITY; RANDALL K.	)	
SUTTON; BRENT D. CASSITY; J. TYLER	)	
CASSITY; RHONDA L. CASSITY; ET AL.,	)	
	)	
Defendants.	)	

**STIPULATION OF DISMISSAL WITH PREJUDICE AS TO DEFENDANTS  
BMO HARRIS BANK, N.A.; MARSHALL & ILSLEY TRUST COMPANY, N.A.;  
AND SOUTHWEST BANK, AN M&I BANK**

Pursuant to Fed. R. Civ. P. 41(a), Plaintiffs Jo Ann Howard and Associates, P.C., Special Deputy Receiver of Lincoln Memorial Life Insurance Company, Memorial Service Life Insurance Company, and National Prearranged Services, Inc.; the National Organization of Life and Health Insurance Guaranty Associations; the Missouri Life & Health Insurance Guaranty Association; the Texas Life & Health Insurance Guaranty Association; the Illinois Life & Health Insurance Guaranty Association; the Kansas Life & Health Insurance Guaranty Association; the Oklahoma Life & Health Insurance Guaranty Association; the Kentucky Life & Health Insurance Guaranty Association; and the Arkansas Life & Health Insurance Guaranty Association (collectively the “Plaintiffs”); and Defendants BMO Harris Bank, N.A.; Marshall & Ilsley Trust Company, N.A.; and Southwest Bank, an M&I Bank (collectively the “BMO Defendants”) hereby stipulate to the dismissal with prejudice of the BMO Defendants, and of all of Plaintiffs’

claims against the BMO Defendants, in the above-entitled action, all matters in controversy between the Plaintiffs and the BMO Defendants having been settled, compromised, and adjourned. Each party shall bear its own costs and attorneys' fees.

Dated: December 16, 2014

BMO HARRIS BANK, N.A.;  
MARSHALL & ILSLEY TRUST  
COMPANY, N.A.; and  
SOUTHWEST BANK, AN M&I BANK

*s/ Lawrence R. Desideri*

Lawrence R. Desideri (*pro hac vice*)  
Brook R. Long (*pro hac vice*)  
Joanna R. Travalini (*pro hac vice*)  
WINSTON & STRAWN LLP  
35 West Wacker Drive  
Chicago, IL 60601  
(312) 558-5600 (telephone)  
(312) 558-5700 (facsimile)  
LDesideri@winston.com  
BLong@winston.com  
JTravalini@winston.com

Jeffrey T. Demerath #30991MO  
Christopher R. LaRose #59612MO  
ARMSTRONG TEASDALE LLP  
7700 Forsyth Boulevard  
Suite 1800  
St. Louis, MO 63105  
(314) 621-5070 (telephone)  
(314) 621-5065 (facsimile)  
JDemerath@armstrongteasdale.com  
CLarose@armstrongteasdale.com

Respectfully submitted,

JO ANN HOWARD AND ASSOCIATES,  
P.C., IN ITS CAPACITY AS SPECIAL  
DEPUTY RECEIVER OF LINCOLN  
MEMORIAL LIFE INSURANCE  
COMPANY, MEMORIAL SERVICE LIFE  
INSURANCE COMPANY, AND  
NATIONAL PREARRANGED SERVICES,  
INC.; THE NATIONAL ORGANIZATION  
OF LIFE AND HEALTH INSURANCE  
GUARANTY ASSOCIATIONS; THE  
MISSOURI LIFE & HEALTH INSURANCE  
GUARANTY ASSOCIATION; THE TEXAS  
LIFE & HEALTH INSURANCE  
GUARANTY ASSOCIATION; THE  
ILLINOIS LIFE & HEALTH INSURANCE  
GUARANTY ASSOCIATION; THE  
KANSAS LIFE & HEALTH INSURANCE  
GUARANTY ASSOCIATION; THE  
OKLAHOMA LIFE & HEALTH  
INSURANCE GUARANTY ASSOCIATION;  
THE KENTUCKY LIFE & HEALTH  
INSURANCE GUARANTY ASSOCIATION;  
AND THE ARKANSAS LIFE & HEALTH  
INSURANCE GUARANTY ASSOCIATION

*s/ Wendy B. Fisher*

Daniel M. Reilly (*pro hac vice*)  
Larry S. Pozner, E.D. Mo. Bar No. 2792CO  
Wendy B. Fisher (*pro hac vice*)  
Glenn E. Roper (*pro hac vice*)  
Clare S. Pennington (*pro hac vice*)  
Farrell A. Carfield (*pro hac vice*)  
Lauren G. Jaeckel (*pro hac vice*)  
Sean Connelly (*pro hac vice*)  
Michael P. Robertson (*pro hac vice*)  
Michael T. Kotlarczyk (*pro hac vice*)  
Dru R. Nielsen (*pro hac vice*)  
Ashley D. Morgan (*pro hac vice*)

Reilly Pozner LLP  
1900 16th Street, Suite 1700  
Denver, CO 80202  
(303) 893-6100

Maurice B. Graham, Bar No. 3257  
Morry S. Cole, Bar No. 77854  
Gray, Ritter & Graham, P.C.  
701 Market Street, Suite 800  
St. Louis, MO 63101  
(314) 241-5620

**CERTIFICATE OF SERVICE**

I hereby certify that on this 16th day of December, 2014 the foregoing instrument was filed electronically with the Clerk of the Court and served upon all counsel of record via the Court's CM/ECF system. I further certify that a true and correct copy of the foregoing instrument was served via First-Class U.S. Mail, postage prepaid, upon the following nonparticipants in Electronic Case Filing on December 16, 2014:

Randall K. Sutton  
#36549-044  
Rochester Federal Medical Center  
P.O. Box 4000  
Rochester, MN 55903

David R. Wulf  
#38227-044  
Terre Haute  
Federal Correctional Institution  
P.O. Box 33  
Terre Haute, IN 47808

Sharon Nekol Province  
#36759-044  
Carswell  
Federal Medical Center  
P.O. Box 27137  
Fort Worth, TX 76127

Tony B. Lumpkin, III  
2806 Horseshoe Bend Cove  
Austin, TX 78704

By: s/ Wendy B. Fisher  
Wendy B. Fisher  
(Admitted *Pro Hac Vice*)  
Attorney for Plaintiffs